

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR TAGLE,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:15-cv-00623-APG-GWF

ORDER

This is an action on a civil rights complaint pursuant to 42 U.S.C. § 1983, removed from state court. The Court entered a screening order on April 20, 2016. (ECF No. 103). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF No. 103, 105). The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 112).

During the 90-day stay, Plaintiff filed two affidavits (ECF No. 106, 109) regarding a conversation Plaintiff had with defense counsel in preparation of the early mediation conference ("EMC"). Defendants have moved to strike these affidavits (ECF No. 108, 110) as improper filings as they were made prior to, and in preparation of, the EMC. See Fed. R. Evid. 408 (prohibiting the admission of settlement discussions as evidence). The Court grants Defendants' motions to strike. These filings are improper and will not be considered by the Court.

IT IS THEREFORE ORDERED that:

1. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of Plaintiff's supplemental third amended complaint (ECF No. 86) on the Office of the Attorney

1 General of the State of Nevada, attention Kat Howe.

2 2. Subject to the findings of the screening order (ECF No. 103), within **twenty-one**
3 **(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice
4 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts
5 service; (b) the names of the defendants for whom it does not accept service, and (c) the
6 names of the defendants for whom it is filing the last-known-address information under seal.
7 As to any of the named defendants for whom the Attorney General's Office cannot accept
8 service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known
9 address(es) of those defendant(s) for whom it has such information. If the last known address
10 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain
11 and provide the last known physical address(es).

12 3. If service cannot be accepted for any of the named defendant(s), Plaintiff shall
13 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
14 specifying a full name and address for the defendant(s). For the defendant(s) as to which the
15 Attorney General has not provided last-known-address information, Plaintiff shall provide the
16 full name and address for the defendant(s).

17 4. If the Attorney General accepts service of process for any named defendant(s),
18 such defendant(s) shall file and serve an answer or other response to the complaint within
19 **sixty (60) days** from the date of this order.

20 5. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been
21 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document
22 submitted for consideration by the Court. Plaintiff shall include with the original document
23 submitted for filing a certificate stating the date that a true and correct copy of the document
24 was mailed or electronically filed to the defendants or counsel for the defendants. If counsel
25 has entered a notice of appearance, Plaintiff shall direct service to the individual attorney
26 named in the notice of appearance, at the physical or electronic address stated therein. The
27 Court may disregard any document received by a district judge or magistrate judge which has
28 not been filed with the Clerk of the Court, and any document received by a district judge,

1 magistrate judge, or the Clerk of the Court which fails to include a certificate showing proper
2 service.

3 6. Defendants' motions to strike (ECF No. 108, 110) are **granted**.

4
5 DATED: This 21st day of July, 2016.

6
7 
8 United States Magistrate Judge